IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No. 86 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/12/2004 in WP No. 23803 OF 2004 on the file of the High Court.)

Between:

1. Ch.V.M.Krishna, S/o.Bullebbai,
R/o.Chinnaveedhi, Vedurumudi Gram Panchayat,
Kapileswarapuram Mandal, E.G.District.
2. Ch.V.V.Narasimha Rao, S/o.Bullebbai,
R/o.Chinnaveedhi,Vedurumudi Gram Panchayat, Kapileswarapuram Mandal,
East Godavari District.

..... APPELLANTS

AND

1. The District Collector, (Panchayat Wing), E.G.District at Kakinada.
2. The District Panchayat Officer, E.G.District at Kakinada.
3. The Executive Engineer (R&B), Kakinada, E.G.District.
4. The Gram Panchayat, Vedurumudi Gram Panchayat, rep.by its Panchayat Secretary, Vedurumudi (V), Kapileswarapuram Mandal, E.G.District.

.....RESPONDENTS

Counsel for the Appellants: Mr. CH.DHANAMJAYA

Counsel for Respondents 1 to 3: GP FOR PANCHAYAT RAJ

Counsel for Respondent No.4: Mr. Srinivas Dammalapati

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

Learned Single Judge dismissed the appellants' writ petition, in which, petitioners had sought cancellation of the resolution passed by the Vedurumudi Gram Panchayat as regards handing over of a road to the Roads and Buildings Department. It was stated that they had already represented to the District Collector, but no action was taken by the District Collector. The petitioner-appellants are aggrieved by the observation made by the learned Single Judge while dismissing the writ petition that the resolution passed by the Panchayat was for better amenities and petitioners cannot raise objections.

We have heard learned counsel for parties.

As a matter of fact, learned Single Judge ought not to have made such observations, more particularly, when the representation of the petitioner-appellants was pending consideration before the first respondent, who alone had to consider and decide the same in accordance with law.

Since the first respondent has not considered and decided the objection of the petitioners, though received in the office, we allow the appeal, set aside the impugned order, and, allow the Writ Petition with direction to the first respondent to consider and decide the petitioner-appellants' representation dated: 25.11.2004 within a period of four weeks from the date of the receipt of a copy of this order. Ordered accordingly.

DEVINDER GUPTA, C.J.

28.1.2005.

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M.NARAYANA REDDY, J.

VR

To

1. The District Collector, (Panchayat Wing), E.G.District at Kakinada.
2. The District Panchayat Officer, E.G.District at Kakinada.
3. The Executive Engineer (R&B), Kakinada, E.G.District.
4. The Panchayat Secretary, Gram Panchayat, Vedurumudi Gram Panchayat, Vedurumudi (V), Kapileswarapuram Mandal, E.G.District.

5. Two CCs to Government Pleader for Panchayat Raj, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.